

1 PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY2 Name TATUM IRVIN T
(Last) (First) (Initial)3 Prisoner Number # E 202084 Institutional Address Pelican Bay State Prison
5 Po Box 7500, Crescent City, Calif. 95531

(PR)

WHA

6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA8 IRVIN Terrell Tatum

(Enter the full name of plaintiff in this action.)

CV 08

3680

9 Case No.
(To be provided by the clerk of court)10 Robert Holz
11 (Warden)PETITION FOR A WRIT
12 OF HABEAS CORPUS13
14 (Enter the full name of respondent(s) or jailor in this action)16 Read Comments Carefully Before Filing In17 When and Where to File18 You should file in the Northern District if you were convicted and sentenced in one of these
19 counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa,
20 San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in
21 this district if you are challenging the manner in which your sentence is being executed, such as loss of
22 good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).23 If you are challenging your conviction or sentence and you were not convicted and sentenced in
24 one of the above-named fifteen counties, your petition will likely be transferred to the United States
25 District Court for the district in which the state court that convicted and sentenced you is located. If
26 you are challenging the execution of your sentence and you are not in prison in one of these counties,
27 your petition will likely be transferred to the district court for the district that includes the institution
28 where you are confined. Habeas L.R. 2254-3(b).

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or
 3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which
 4 you are imprisoned or by whom you were convicted and sentenced. These are not proper
 5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief
 7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose
 8 custody you are now and the Attorney General of the state in which the judgment you seek to attack
 9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

12 (a) Name and location of court that imposed sentence (for example; Alameda
 13 County Superior Court, Oakland):

14 NIA NIA

15 Court Location

16 (b) Case number, if known NIA

17 (c) Date and terms of sentence NIA

18 (d) Are you now in custody serving this term? (Custody means being in jail, on
 19 parole or probation, etc.) Yes NIA No NIA

20 Where?

21 Name of Institution: Pelican Bay State Prison

22 Address: P.O. Box 7500, Crescent City, CA 95531

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for
 24 more than one crime, list each crime separately using Penal Code numbers if known. If you are
 25 challenging more than one sentence, you should file a different petition for each sentence.)

26 NIA

27

28

1 3. Did you have any of the following?

2 Arraignment: Yes N/A No _____

3 Preliminary Hearing: Yes N/A No _____

4 Motion to Suppress: Yes N/A No _____

5 4. How did you plead?

6 Guilty _____ Not Guilty _____ Nolo Contendere _____

7 Any other plea (specify) _____ N/A _____

8 5. If you went to trial, what kind of trial did you have?

9 Jury N/A Judge alone N/A Judge alone on a transcript N/A

10 6. Did you testify at your trial? Yes N/A No N/A

11 7. Did you have an attorney at the following proceedings:

12 (a) Arraignment Yes N/A No N/A

13 (b) Preliminary hearing Yes N/A No N/A

14 (c) Time of plea Yes N/A No N/A

15 (d) Trial Yes N/A No N/A

16 (e) Sentencing Yes N/A No N/A

17 (f) Appeal Yes N/A No N/A

18 (g) Other post-conviction proceeding Yes N/A No N/A

19 8. Did you appeal your conviction? Yes N/A No N/A

20 (a) If you did, to what court(s) did you appeal?

21 Court of Appeal Yes N/A No N/A

22 Year: N/A Result: N/A _____

23 Supreme Court of California Yes N/A No N/A

24 Year: N/A Result: N/A _____

25 Any other court Yes N/A No N/A

26 Year: N/A Result: N/A _____

27 (b) If you appealed, were the grounds the same as those that you are raising in this

1 petition? Yes N/A No N/A

2 (c) Was there an opinion? Yes N/A No N/A

3 (d) Did you seek permission to file a late appeal under Rule 31(a)?

4 Yes N/A No N/A

5 If you did, give the name of the court and the result:

VA

8 9. Other than appeals, have you previously filed any petitions, applications or motions with respect to
9 this conviction in any court, state or federal? Yes N/A No J/A

10 [Note: If you previously filed a petition for a writ of habeas corpus in federal court that
11 challenged the same conviction you are challenging now and if that petition was denied or dismissed
12 with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit
13 for an order authorizing the district court to consider this petition. You may not file a second or
14 subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28
15 U.S.C. §§ 2244(b).]

16 (a) If you sought relief in any proceeding other than an appeal, answer the following
17 questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: 24

19 Type of Proceeding: N/A

20 Grounds raised (Be brief but specific):

21 a. N/A

22 b.

23 C NIA

24 d Z

25 | Result: **NIA** Date of Result: **NIA**

26 II. Name of Court: N A

27 Type of Proceeding: NIA

28 Grounds raised (Be brief but specific):

1 a. _____ N/A

2 b. _____ N/A

3 c. _____ N/A

4 d. _____ N/A

5 Result: N/A Date of Result: N/A

6 III Name of Court: N/A

7 Type of Proceeding: N/A

8 Grounds raised (Be brief but specific):

9 a. _____ N/A

10 b. _____ N/A

11 c. _____ N/A

12 d. _____ N/A

13 Result: N/A Date of Result: N/A

14 IV Name of Court: N/A

15 Type of Proceeding: N/A

16 Grounds raised (Be brief but specific):

17 a. _____ N/A

18 b. _____ N/A

19 c. _____ N/A

20 d. _____ N/A

21 Result: N/A Date of Result: N/A

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes N/A No N/A

24 Name and location of court: N/A

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to

27 support each claim. For example, what legal right or privilege were you denied? What happened?

28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: (See Statement of Facts in
6 Attached Petition)

7 Supporting Facts: ii

8 ii

9 ii

10 ii

11 Claim Two: ii

12 ii

13 Supporting Facts: ii

14 ii

15 ii

16 ii

17 Claim Three: ii

18 ii

19 Supporting Facts: ii

20 ii

21 ii

22 ii

23 If any of these grounds was not previously presented to any other court, state briefly which

24 grounds were not presented and why:

25 All claims have been exhausted in all lower
26 state courts.

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1 List, by name and citation only, any cases that you think are close factually to yours so that they
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning
3 of these cases:

4 (See ATTACHED Petition)

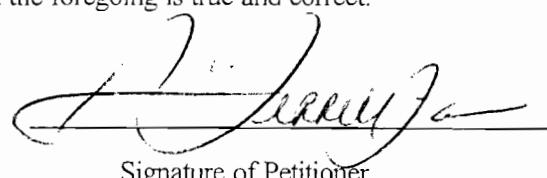
5 _____
6 _____
7 Do you have an attorney for this petition? Yes No

8 If you do, give the name and address of your attorney:

9 N/A

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12
13 Executed on July 20, 2008
14 Date


Signature of Petitioner

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20 (Rev. 6/02)
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Irvin Tatum
#E20208
Pelican Bay State Prison
PO Box 7500
Crescent City, CA 95531

Petitioner in Pro-se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Irvin Tatum
Petitioner,

vs.

Robert Horel
Respondent.

No.: _____

**PETITION FOR A WRIT
OF HABEAS CORPUS**

I.
Introduction

1. Petitioner, Irvin Tatum, a state prisoner representing himself in pro se hereby submit this petition for a writ of habeas corpus to challenge a violation of his constitutional rights to Due Process, guaranteed under the Fourteenth Amendment under the United States Constitution when prison officials at Pelican Bay State Prison unlawfully charged and found Petitioner guilty at a prison disciplinary hearing, for an offense that he did not commit and ordered to be placed in solitary confinement for 26 months. This petition is not submitted to contest his prison conviction or sentence imposed by a state court.

II.
Jurisdiction

2. This court has jurisdiction over the claims raised herein pursuant to 28 U.S.C. section 2254.

III.
Parties

3. Petitioner, Irvin Tatum is a state prisoner housed at Pelican Bay State Prison at all times mentioned herein, based on a criminal conviction in a state court.

4. Respondent, Robert Horel is the correctional warden at Pelican Bay State Prison at all times mentioned herein and the custodian of Petitioner.

IV.
Statement of Facts

5. On March 1, 2007, Petitioner had a “fist-fight” with his cellmate, E. Johnson, CDC #T-43903, and no weapons were involved.

6. Petitioner was defending himself from being sexually assaulted, which is why the fight occurred. And during the incident Petitioner began flashing the cells lights on and off in the attempt to get staff’s attention for help, which correctional officer, N. Cope seen and activated his personal alarm, (See N. Copes report as Exhibit-A).

7. Petitioner and inmate Johnson were separated and Petitioner was placed in Administrative Segregation (Ad-Seg.) and inmate Johnson was taken to the medical clinic.

8. Petitioner was later falsely accused and charged with “Attempted Murder” by correctional lieutenant, C. A. Uptergrove, who did not witness the incident, but came to the scene after the fact (See C. A. Uptergroves’ report as Exhibit-B).

9. In C. A. Uptergroves written report she clearly wrote, "Based on my experience, training and injuries, it is obvious that Tatum (Petitioner) battered inmate Johnson..." Her report clearly contradicts the allegations of "Attempted Murder."

10. On August 30, 2007, Petitioner went to his prison disciplinary hearing for the false charges of "Attempted Murder." Said hearing was overseen by Correctional Lieutenant D. James, who found Petitioner guilty for the charge of "Attempted Murder" despite the fact that there was not evidence to support such a charge (See D. James report as Exhibit-C).

11. Petitioner was denied a fair and impartial disciplinary hearing because he was deprived of evidence that was used against him. Said evidence was the letters that prison officials contend that Petitioner wrote to his family, concerning the incident.

12. Petitioner requested to be provided with copies of all evidence that prison officials intended to use against him at his prison disciplinary hearing and he was denied the right to be provided with copies of all documents and reports related to the incident, in violation of section 3320 of the California Code of Regulation, Title 15 and the Fourteenth Amendment to the U.S. Constitution.

13. No prison disciplinary hearing shall be held until Petitioner was provided with all non-confidential documents and reports to be relied upon at his hearing, pursuant to section 3320. The only documents and reports Petitioner was provided with before his hearing was held was the "Crime-Incident Report" attached hereto as Exhibit-D. Prison officials made references to letters that they contended Petitioner wrote, but did not provide said letters to him before his hearing was held.

14. There was insufficient evidence to support finding Petitioner guilty of "Attempted Murder." The reporting officer clearly documented in her report that Petitioner allegedly

“battered” inmate Johnson, not “Attempted Murder” (See Exhibit-B). Correctional Officer, N. Cope wrote in his report that Petitioner was flashing his cell lights and yelling, which was clear evidence that Petitioner was seeking for staff’s help, which clearly contradicts D. James’ report of what Petitioners intentions were in respects to his altercation with inmate Johnson.

15. Based on Petitioner being falsely charged with and found guilty of the unsupported allegations of “Attempted Murder”, he was ordered to serve a 26 month term in solitary confinement, where he is currently being housed and prison officials have threatened to keep Petitioner housed in solitary confinement “indefinitely” after he completes his 26 month term.

16. Petitioner is being unlawfully restrained and confined in solitary confinement based on false allegations and being denied a fair disciplinary hearing.

17. Petitioner has raised and exhausted the issues herein in the Superior Court of Del Norte County, Case #HCPB08-5043; the California Court of Appeals, First Appellate District, Division Four, Case #A121232; and the California Supreme Court, Case #S163584 and was denied relief in said courts (See Court Orders as Exhibit-E).

Argument

A. Prison Officials Withheld Critical Evidence From Petitioner, Thus Denying Him A Fair Disciplinary Hearing.

Petitioner was not provided with copies of the letters that prison officials contended that he wrote and were used as evidence against him to support their findings of fact.

According to the Due Process Clause of the Fourteenth Amendment to the United States Constitution, the Respondent had a legal duty to provide Petitioner with all non-confidential documents, reports, and evidence to be used against Petitioner or relied upon to base a finding of guilt at his disciplinary hearing. The Respondents failed to do so, thus depriving Petitioner the

right to contest any allegations in said letters or be used as exculpatory evidence or in mitigation of the charge offense.

Pursuant to Section 3320(c)(1) of the CCR Title 15, it clearly states: "A disciplinary hearing shall not be held until the inmate has been provided a copy of the CDC Form 115 and all non-confidential reports to be relied upon in the hearing.

Argument

B. Petitioner Was Denied A Fair Hearing Based On Insufficient Evidence To Support The Charges Of "Attempted Murder."

Pursuant to the "Due Process Clause" of the Fourteenth Amendment to the United States Constitution, Petitioner has a right to be afforded a fair and impartial disciplinary hearing and the charges and findings of fact must be supported by a preponderance of evidence, based on the "Same Evidence" standard.

The preponderance of evidence to support a charge of "Battery" clearly out-weighted a false charge of "Attempted Murder" which is evidence in the report wrote by C. A. Uptergrove (Exhibit-B) and based on the medical report of inmate Johnson's attached hereto as Exhibit-F and the witness report of Correctional Officer N. Cope (Exhibit-A).

The Respondent's submitted all evidence in this case to the Del Norte County District Attorney's Office in the attempt to have Petitioner charged with the allegations of "Attempted Murder." And on September 6, 2007, the district attorney disregarded the "Attempted Murder" allegations and chose to charge Petitioner with "Battery With Seriously Bodily Injury" and on March 3, 2008 said charges were dismissed (See copy of Memorandums as Exhibit-G).

The Del Norte County, District Attorney's Officer came to the conclusion that there was no evidence to support the charge of "Attempted Murder" or "Battery" based on the facts of the incident, which is why they dismissed Petitioners case.

Conclusion

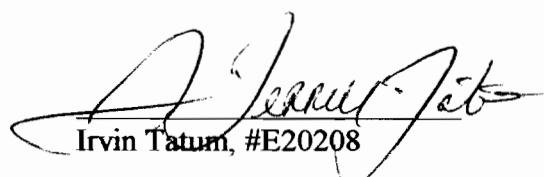
Because Petitioner is classified as a "Jail-house Lawyer" by prison officials and has filed numerous complaints against prison policies and staff, as soon as an opportunity arose that involved Petitioner, prison officials used the opportunity to abuse their power, discretion and authority to retaliate against Petitioner by charging Petitioner with an offense that is not supported by the facts of the incident. It is highly improbable and unusual for an inmate to be charged and found guilty for "Attempted Murder" based on a "fist-fight" with no weapons involved.

V.
Prayer For Relief

Petitioner declares under the penalty of perjury under the laws of the United States that the "Statement of Facts" incorporated herein is true and correct and Petitioner prays for the following relief:

- a) Grant Petitioners writ;
- b) Order the Respondent's to reduce Petitioner's charges of Attempted Murder;
- c) Order the Respondent's to expunge all allegations of Attempted Murder from Petitioner's prison file;
- d) Order the Respondent's to release Petitioner from solitary confinement and transferred to an alternative prison;
- e) Grant any other relief this Honorable Court deems appropriate.

July 20, 2008
Date



Irvin Tatum, #E20208

EXHIBIT A

STATE OF CALIFORNIA
CRIME / INCIDENT REPORT
PART C - STAFF REPORT
CDCR 837-C (Rev. 07/05)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

		PAGE <u>1</u> OF <u>2</u>		INCIDENT LOG NUMBER <u>PBP-B07-07-03-0091</u>			
NAME: LAST <u>COPE</u>		FIRST <u>NEIL</u>		MI <u>G</u>	INCIDENT DATE <u>03/01/07</u>		
POST # <u>171574</u>	POSITION <u>B7 CONTROL</u>	YEARS OF SERVICE <u>3 Years 8 Months</u>	DATE OF REPORT <u>3-1-07</u>	INCIDENT TIME <u>2205</u>			
RDO's <u>S/S</u>	DUTY HOURS <u>2200/0600</u>	DESCRIPTION OF CRIME / INCIDENT <u>BATTERY ON AN INMATE WITH/SBI</u>		LOCATION OF INCIDENT <u>B7 CELL 227</u>			
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)			
<input checked="" type="checkbox"/> PRIMARY <input type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM <input type="checkbox"/> CAMERA		<u>(S) SGT. J. FRICK</u> <u>(S) C/O J. QUACKENBUSH</u> <u>(S) C/O J. HOVEN</u> <u>(S) C/O D. AVAM</u> <u>(S) C/O K. WOODWARD</u>		<u>(S) TATUM E-20208 B7 227U</u> <u>JOHNSON T-43503 B7 227L</u>			
FORCE USED BY YOU		WEAPONS AND SHOTS FIRED BY YOU			CHEMICAL AGENTS USED BY YOU		
<input type="checkbox"/> WEAPON <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input checked="" type="checkbox"/> NONE		NO: <input type="checkbox"/> MINI-14 <input type="checkbox"/> 9 MM <input type="checkbox"/> 38 CAL <input type="checkbox"/> SHOTGUN <input checked="" type="checkbox"/> N/A	NO: <input type="checkbox"/> 37 MM <input type="checkbox"/> 40 MM <input type="checkbox"/> L8 <input type="checkbox"/> 40 MULTI <input type="checkbox"/> HFRWS <input type="checkbox"/> BAT	TYPE: <input type="checkbox"/> OC <input type="checkbox"/> CN <input type="checkbox"/> CS <input type="checkbox"/> OTHER: <input checked="" type="checkbox"/> N/A	TYPE:		
FORCE OBSERVED BY YOU							
<input type="checkbox"/> WEAPON <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input checked="" type="checkbox"/> NONE							
EVIDENCE COLLECTED BY YOU		EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION		BIO HAZARD	PPE
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL / CLINIC)		FLUID EXPOSURE	SCIF 3301 / 3067 COMPLETED	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A		<input type="checkbox"/> BODILY <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER: <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
NARRATIVE:							
<p>On 3-1-07 at approximately 2205 hours, while I was assigned as B7 control booth officer, I heard yelling in C section. I looked over to see inmate Tatum, E-20208, cell 227U flashing the cell lights. It looked like he was yelling at someone on the floor but I could not see because of a sheet that covered the bottom half of the cell door. I notified officer J. Quackenbush that he needed to go up to cell 227 and see what was going on. Officer Quackenbush went up to the cell door and ordered Tatum to move to the back of the cell.</p>							
<input checked="" type="checkbox"/> CHECK IF NARRATIVE IS CONTINUED ON PART C1							
SIGNATURE OF REPORTING STAFF <u>N. Cope</u>		TITLE <u>C/O</u>		BADGE # <u>67251</u>		DATE <u>3/1/07</u>	
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <u>J. Frisk</u>		DATE RECEIVED <u>3/1/07</u>		APPROVED	CLARIFICATION NEEDED	DATE	
				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO		

STATE OF CALIFORNIA
CRIME / INCIDENT REPORT
PART C1- SUPPLEMENT
 CDCR 837-C1 (Rev. 07/05)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NAME: LAST COPE	FIRST NEIL	INCIDENT LOG NUMBER PBP-B07-07-03-009
		MI G

TYPE OF INFORMATION:

 CONTINUATION OF REPORT CLARIFICATION OF REPORT ADDITIONAL INFORMATION

NARRATIVE:

Tatum complied to the order and Quackenbush motioned for me to activate the unit alarm. I activated the unit alarm and opened the front door. Sergeant J. Frisk then entered the building and went up to the cell front. Inmate Johnson T-48903 227 then stood up and J. Quackenbush put handcuffs on Johnson through the cuffport. J. Frisk then gave me the ok to open the cell door. I opened the door, Johnson stepped out, and I shut the door. Officer J. Haven went upstairs and helped J. Quackenbush escort Johnson out of the building. SGT. J. Frisk then put handcuffs on Tatum. I opened the door and officers D. Quam and K. Woodward escorted Tatum out of the building. This ~~REY~~ ends my involvement in this incident.

 CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL PART C1

SIGNATURE OF REPORTING STAFF <i>N. Cope</i>	TITLE <i>C/O</i>	BADGE # <i>67251</i>		DATE <i>3/1/07</i>
NAME AND TITLE OF REVIEWER (PRINT/ SIGNATURE) <i>J Frisk</i>	DATE RECEIVED <i>3/1/07</i>	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE

EXHIBIT B

STATE OF CALIFORNIA
RULES VIOLATION REPORTASU E - 2
MEPD

DEPARTMENT OF CORRECTIONS

CDC NUMBER E-20208	INMATE'S NAME TATUM	RELEASE/BOARD DATE 10-29-2016	INST. PBSP	HOUSING NO. B7-227U	LOG NO. B07-03-0003
VIOLATED RULE NO(S) 3005(c)	SPECIFIC ACTS ATTEMPTED MURDER	LOCATION B7-227	DATE 3-1-07	TIME 2205 HRS.	

CIRCUMSTANCES

On 3-1-2007, at approximately 2205 hrs., I responded to a personal alarm in B7-C-Section. When I arrived I observed staff escorting inmate JOHNSON (T-43903, B7-227L), from the upper tier. I observed cuts and lacerations on both the left and right sides of JOHNSON's head, bruised and swollen areas to both left and right sides of each eye, specifically, active bleeding to the left eye and cheek and lip areas. The upper portion of JOHNSON's T-shirt was splattered with blood. JOHNSON was escorted to the Facility B-Medical Clinic, and was medically evaluated. JOHNSON was escorted to the Correctional Treatment Center where he was transported to Sutter Coast Hospital for further medical evaluation and treatment.

Review of the CDCR-837-C Reports of involved staff, reflect that Facility B7/8-Rover, Officer J. Quackenbush stated that he heard a banging noise coming from what sounded like C-Section. When he arrived at the cell front of B7-227, inmate TATUM (E-20208, B7-227U), was standing at the cell door facing the toilet. Inmate JOHNSON (T-43903, B7-227L), was kneeling on the ground

REPORTING EMPLOYEE (Typed Name and Signature) ► C.A. UPTERGROVE, LT.	DATE 03-08-07	ASSIGNMENT 1/W B-LIEUTENANT	RDO'S T/W
REVIEWING SUPERVISOR'S SIGNATURE ► <i>[Signature]</i> SST.	DATE 3/8/07	INMATE SEGREGATED PENDING HEARING DATE 3/2/07	LOC. A1-203L
CLASSIFIED □ ADMINISTRATIVE ■ SERIOUS	OFFENSE DIVISION: A-1	DATE 3/8/07	CLASSIFIED BY (Typed Name and Signature) ► S. REPPOND
HEARING REFERRED TO □ HO □ SHO □ SC □ FC			

COPIES GIVEN INMATE BEFORE HEARING

RECORDED PPB-B07-07-03 0091	BY: (STAFF'S SIGNATURE) ► <i>Keele</i>	DATE 3/13/07	TIME 1800	TITLE OF SUPPLEMENT 07219'SX2 4 handwritten letters (en)
INCIDENT REPORT LOG NUMBER: ✓	BY: (STAFF'S SIGNATURE) ► <i>Keele</i>	DATE 3/13/07	TIME 1800	BY: (STAFF'S SIGNATURE) ► <i>Keele</i>
HEARING	green 115 + pkg.			DATE 3/13/07 1800

Reviewed 12 Photocopied pages on 6-1-07 at 2000 hours.

90 S. Burris *S. Burris*

REFERRED TO CLASSIFICATION BPT/NAEA

ACTION BY: (TYPED NAME)

LT. D. JAMES

SIGNATURE

LT. D. James

DATE

8/30/07 1755

REVIEWED BY: (SIGNATURE)

► M. FOSS CAPTAIN

DATE

8/10/07

CHIEF DISCIPLINARY OFFICER'S SIGNATURE

M. A. Cook AWGP

DATE

9-11-07

 COPY OF CDC 115 GIVEN INMATE AFTER HEARING

BY: (STAFF'S SIGNATURE)

J. Keele

DATE

9/13/07 1300

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

PAGE 2 OF 2

RULES VIOLATION REPORT - PART C

CDC NUMBER E-20208	INMATE'S NAME TATUM	LOG NUMBER B07-03-0003	INSTITUTION PBSP	TODAY'S DATE 03-1-07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input checked="" type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

facing the toilet. TATUM was ordered to the back of the cell. Mechanical restraints (handcuffs) were applied to JOHNSON and he was escorted to the Facility B Clinic. After handcuffs were applied, TATUM was escorted to the Facility B Hobby Shop and placed in Holding Cell #2. TATUM became verbally hostile and uncooperative, refusing to converse with Medical Technical Assistant L. Folsom for medical evaluation. There were no signs of blood on TATUM's body or his clothing. A visual medical evaluation was conducted reflecting no signs or symptoms of injury. TATUM was uncooperative and also refused to exit the holding cell for identification and evidentiary photographs.

Officer Quackenbush processed JOHNSON's bloody T-shirt as evidence and placed it in Evidence Locker #14, located in the Central Services Watch Office. JOHNSON was treated at the Sutter Coast Hospital and rehoused during Second Watch. TATUM was rehoused in Facility B Unit 8 on First Watch and placed in Administrative Segregation A1-203L, during Second Watch.

Based on my experience, training and the injuries, it is obvious that inmate TATUM battered inmate JOHNSON. Refer to Incident Log #PBP-B07-03-0091, and (4) outgoing letters.

This inmate is not EOP or Crisis Bed. Following current guidelines for mental health assessments, the circumstances of this offense have been carefully evaluated. The Reviewing Supervisor has concluded that a Mental Health Assessment is not required.

C.A. UPTERGROVE, CORRECTIONAL LIEUTENANT

SIGNATURE OF WRITER <i>C.A. UPTERGROVE, Jr.</i>		DATE SIGNED <i>03-08-07</i>
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>M. Neely Jr.</i>	DATE SIGNED <i>3/13/07</i>
		TIME SIGNED <i>1100</i>

EXHIBIT C

STATE OF CALIFORNIA
RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 1 OF 2

CDC NUMBER E-20208	INMATE'S NAME TATUM	LOG NUMBER B07-03-0003	INSTITUTION PBSP	TODAY'S DATE 8/30/07
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<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER
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Hearing: The hearing was convened on Thursday, August 30, 2007, at approximately 1755 hours, when I introduced myself to TATUM as the Senior Hearing Officer for this disciplinary. TATUM stated he was in good health with normal hearing and vision. TATUM acknowledged that he received copies of the following documents more than 24 hours in advance of the hearing: CDC-115 and Incident report with supplemental reports. These reports as well as the disciplinary charge of ATTEMPTED MURDER were reviewed with TATUM in the hearing. He stated that he understood both and that he was prepared to begin the hearing.

District Attorney: On 03/13/2007, TATUM requested postponement of his hearing pending resolution of possible criminal prosecution. On 07/13/2007, TATUM revoked his request for postponement. TATUM was reminded in the hearing that this has been referred for possible prosecution and he can postpone his hearing pending resolution of prosecution. He was informed that any statements he makes in this hearing could be used against him in a court of law. TATUM stated that he understood, confirmed that he had revoked his postponement request and that he wanted to continue the hearing.

Due Process: The behavior of this inmate was evaluated at the time that the Reviewing Supervisor reviewed this disciplinary report. The Reviewing Supervisor concluded that a mental health assessment was not required. The SHO concurs. There is no compelling need for a mental health assessment based upon the circumstances given in this report. The disciplinary was served on the inmate within 15 days of discovery. However, the hearing has not been held within 30 days of service on the inmate. Per CCR 3320 (f)(1), time constraints have been exceeded and credit forfeiture cannot be assessed.

Staff Assistant: Per the CDC 115-A, TATUM has requested assignment of a Staff Assistant. In the hearing, TATUM stated that he had requested assignment of a Staff Assistant for the following reason: *To find out all the past disciplinary history of inmate JOHNSON.* Staff Assistant will not be assigned as the SHO is satisfied that TATUM speaks sufficient English, is literate enough to understand the disciplinary reports, the issues are not complex and a confidential relationship is not required.

Investigative Employee: Investigative Employee was assigned. IE was reviewed in hearing. TATUM acknowledges receiving and reviewing the completed IE report more than 24 hours in advance of the hearing. In the hearing, TATUM stated that he is not satisfied with the completed report as most all of his questions were judged to be irrelevant to the charge..

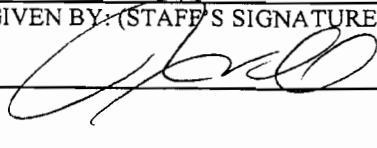
Request for Witnesses: TATUM waived all witnesses and the SHO requested none.

Video and photo evidence: Copies of photographs were used as evidence in this disciplinary hearing. Per the CDC 128B of 06/01/2007, TATUM was allowed to examine these photographs more than 24 hours prior to the hearing. The photos were also available in the hearing. These photos will be filed in the confidential evidence folder in this inmate's Central file where these photos will remain for reference and future use as evidence. On 03/13/2007, TATUM was allowed to view four hand written letters that were used as evidence in this hearing.

Plea: Not Guilty.

Hearing testimony: TATUM gave the following testimony as his defense: "This guy had threatened me on at least four occasions. He wanted me to fight with him. Because he was bigger, he thought he could punk me. I just tried to keep the peace. I found out later that he had been in several cell fights. I had never been in a cell fight in 19 years being down."

Finding: Guilty of the Div. A-1 (1) offense ATTEMPTED MURDER. *Murder is the deliberate killing of another person with either malice aforethought or reckless indifference. The intent to commit murder rather than battery can be judged by*

SIGNATURE OF WRITER D. JAMES 		TITLE Correctional Lieutenant	
COPY OF CDC-115-C GIVEN TO INMATE 		DATE NOTICE SIGNED 8/30/07	
GIVEN BY: (STAFF'S SIGNATURE) 		DATE SIGNED: 9-13-07	TIME SIGNED: 1300

STATE OF CALIFORNIA
RULES VIOLATION REPORT - PART CDEPARTMENT OF CORRECTIONS
PAGE 2 OF 2

CDC NUMBER E-20208	INMATE'S NAME TATUM	LOG NUMBER B07-03-0003	INSTITUTION PBSP	TODAY'S DATE 8/30/07
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SUPPLEMENTAL CONTINUATION OF: CDC 115 CIRCUMSTANCES HEARING I.E. REPORT OTHER

expressed intent of the inmate or the nature of the attack and the weapon used. If any reasonable person would assume death as the most likely outcome from the nature of the attack or the weapon used, this offense qualifies as *Attempted murder*. *Attempted* means the offense was begun but not completed because of circumstances beyond the control of the inmate. *Attempted* must also include present ability. *Present ability* means the attempt could have succeeded. This finding is based upon the following preponderance of evidence:

A. Lt. Uptergrove testifies that upon responding to an alarm in B7, C Section, she observed inmate JOHNSON being escorted from the upper tier. JOHNSON had cuts and lacerations on both the left and right side of his head, bruised and swollen areas to both eyes, active bleeding from the left eye, cheek and lip areas.

B. The testimony of Correctional Officer J. Quackenbush in the incident report of 03/01/2007, wherein Officer Quackenbush testifies that responding to a banging noise coming from C Section, he heard loud voices and observed a light on and TATUM standing at the front of cell B7-227. TATUM was facing the toilet with his right hand on JOHNSON'S shoulder. JOHNSON was kneeling on the ground facing the toilet. JOHNSON appeared to have multiple injuries to the left side of his face.

C. In TATUM'S letter to "Tresie" TATUM states; "I calmly took my square ass glasses off and knocked that niga "out cold" and when the niga was out, I went to work on his face with my hands and feet until his face was hella bloody." Further on TATUM states "When I was on that niga I started choking him becauz I thought about killin him."

D. In TATUM'S letter to Shaun, TATUM stated " I just snapped and started knocking that niga up side his head until he was knocked out and then I started stompen his face and head into the floor until the police came and scrapped his ass off the floor."

E. By his own writing, it is reasonable to believe that TATUM did not stop his attack on JOHNSON until he heard the section door open. The use of ones feet to "stomp" on the head and face of an unconscious victim is considered to be using deadly force. It is also reasonable to believe that had the officers not responded as quickly as they did, JOHNSON might well be dead at this time.

Disposition: No forfeiture was assessed as time constraints were exceeded. Referred to classification for SHU evaluation. Appeal rights were explained. TATUM was referred to CCR §3084.1 for additional information on appeal procedures.

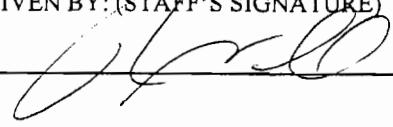
SIGNATURE OF WRITER D. JAMES 	TITLE Correctional Lieutenant	DATE NOTICE SIGNED 8/30/07	
COPY OF CDC-115-C GIVEN TO INMATE 	GIVEN BY: (STAFF'S SIGNATURE) 	DATE SIGNED: 9/3/07	TIME SIGNED: 1300

EXHIBIT D

CRIME / INCIDENT REPORT

SRGB 837-A (Rev. 07/05)

AMENDED ON 03-07-2007

BRIEF DESCRIPTION OF INCIDENT (ONE OR TWO SENTENCES):

On Wednesday, March 07, 2007, at approximately 2200 hours, the Date of Discovery, the original incident titled as 'Battery on an Inmate with Serious Injury", was amended to "Attempted Murder".

Specifically, on Wednesday, March 07, 2007, date of discovery, outgoing mail addressed to, Tresie McNeil, Angelique Evans, Shaun Terrell Tatum and S. James was intercepted by Third Watch, ASU Search and Escort Officer, R. Hood.

-CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL A1

REVIEWED BY: C. E. Ducart, Central Services Captain

NAME OF REPORTING STAFF (PRINT/TYPE) C. A. Uptergrove	TITLE Lieutenant	ID # N/A	BADGE # 49107
SIGNATURE OF REPORTING STAFF 		PHONE EXT. (INCIDENT SITE) X5555	DATE March 07, 2007
NAME OF WARDEN / AOD (PRINT/SIGN) ROBERT HOREL		TITLE Warden	DATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART A1 – SUPPLEMENT
 CDCR 837- A1 (07/05)

AMENDED ON 03-07-2007

PAGE	3	OF	6	INCIDENT LOG NUMBER
				PBP-B07-07-03-0091

INSTITUTION P.B.S.P.	FACILITY Facility "B"	INCIDENT DATE March 01,2007	INCIDENT TIME 2205 Hours
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TYPE OF INFORMATION

SYNOPSIS/SUMMARY OF INCIDENT SUPPLEMENTAL INFORMATION AMENDED INFORMATION CLOSURE REPORT

NARRATIVE:

In these letters, Inmate TATUM, E-20208, B7-227U, describes his attack on Inmate JOHNSON, T-43903, B7-227L and states his thought of killing him. The letters state that TATUM started knocking JOHNSON on the side of his head until he was knocked out. In the letter addressed to Tresie McNell, page #2, TATUM states, "I calmly took my square ass glasses off and knock that niga "out cold". And when the niga was out, I went to work on his face with my hands and feet until his face was hella bloody.

In the letter addressed to Shaun Terell Tatum, TATUM states, "I know he was indirectly talking about me and he must have thought I wasn't pickin up on his indirect bullshit, so I just snapped and started stomping his face and head into the floor until the police came. TATUM also states, "When I was on that niga I started choking him becuz I thought about killin him. That's how angry and "possessed" I felt. But a lil quiet voice in my head said let him go and I did. And he was beggin for his life sayin, "Don't kill me cuz, don't kill me cuz." In the original CDCR 837-A, TATUM refused medical evaluation. In this letter TATUM also states, "I broke my finger on that niga face and my other hand is still kinda swollen, but I can write with it a lit bit."

Correctional Officer, R. Hood will be added to the CDCR 837-B Report.

SUSPECT: TATUM, (E-20208), (B7-227U).

VICTIM: JOHNSON, (T-43903), (B7-227L).

CRIME SCENE/EVIDENCE: Security Squad Officer D. Beard conducted a visual survey of cell 227, and secured the cell with a Security Squad Crime Scene Lock. Officer Beard photographed Inmate JOHNSON, T-43903, for identification and evidentiary purposes. Officer Beard additionally attempted to photograph Inmate TATUM, E-20208, for identification and evidentiary photographs. TATUM was uncooperative and refused to exit the holding cell. Due to TATUM'S potentially assaultive behavior, no photographs were taken.

JOHNSON'S blood stained t-shirt was controlled and processed as evidence by Correctional Officer J. Quackenbush and placed in the temporary evidence locker #14, located in the Central Services Watch Office.

The four (4) original letters was secured in an Evidence Bag and placed in Evidence Locker #15, located in the Central Services, Watch Office.

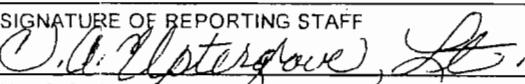
This additional information was discovered on Tuesday, March 06, 2007 and Wednesday, March 07, 2007. These letters were submitted to the First Watch, Watch Commander on Wednesday, March 07, 2007, upon her return from Regular Days Off (Tuesday/Wednesday) at 2200 hours. This CDCR 837-A Report was amended on First Watch, March 07, 2007, the date of discovery. Correctional Officer, R. Hood submitted a CDC 837-C Report on Thursday, March 08, 2007.

MENTAL HEALTH DELIVERY SYSTEM CLASSIFICATION: Inmates TATUM, (E-20208) and JOHNSON, (T-43903) are not participants in the Mental Health Delivery System, at the time of this incident.

MEDICAL REPORTS/INJURIES TO INMATES: Due to TATUM'S hostile and uncooperative conduct, Medical Technical Assistant L. Folsom conducted a visual examination of Inmate TATUM. The completed CDC 7219, Medical Report on Inmate TATUM reflects no signs or symptoms of injury seen.

CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL A1

REVIEWED BY: C. E. Ducart, Central Services, Captain

NAME OF REPORTING STAFF (PRINT/TYPE) C. A. Uptergrove	TITLE Lieutenant	ID # N/A	BADGE # 49107
SIGNATURE OF REPORTING STAFF 		PHONE EXT. (INCIDENT SITE) X5555	DATE March 07, 2007
NAME OF WARDEN / AOB (PRINT/SIGN) ROBERT HOREL	TITLE Warden		DATE

STATE OF CALIFORNIA

CRIME / INCIDENT REPORT
PART A1 – SUPPLEMENT
CDCR 837-A (07/05)

AMENDED ON 03-07-2007

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PAGE	3	OF	6	INCIDENT LOG NUMBER
				PBP-B07-07-03-0091

INSTITUTION P.B.S.P.	FACILITY Facility "B"	INCIDENT DATE March 01,2007	INCIDENT TIME 2205 Hours
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TYPE OF INFORMATION <input checked="" type="checkbox"/> SYNOPSIS/SUMMARY OF INCIDENT	<input type="checkbox"/> SUPPLEMENTAL INFORMATION	<input type="checkbox"/> AMENDED INFORMATION	<input type="checkbox"/> CLOSURE REPORT
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NARRATIVE:

Medical Technical Assistant L. Folsom conducted a medical evaluation and completed a CDC 7219, Medical Report on Inmate JOHNSON, T-43903. The Medical Report reflects active bleeding to cuts and lacerations on both the left and right sides of the head, bruised and swollen areas to both the left and right sides of each eye, cuts and lacerations with swelling, bruising, discoloration and active bleeding to the left cheek.

The Medical Report also reflects cuts and lacerations, bruising, discoloration and swelling of the right lip area, bruised and discolored area of the right shoulder, abrasions and scratches to the left shoulder, abrasions and scratches to the right knee and complaint of pain in the right ankle, which was from a previous sports injury. Upon completion of the initial medical evaluation, JOHNSON was escorted to the Correctional Treatment Center and transported to Sutter Coast Hospital for further medical evaluation

MEDICAL REPORTS/INJURIES TO STAFF: There were no reported injuries to staff.USE OF FORCE (INCLUDES TYPE, AMOUNT, DECONTAMINATION, COOL DOWN PERIOD IF APPLICABLE):
There was no Use of Force as a result of this incident.

ESCORTS: Correctional Officers D. Quam and K. Woodward escorted Inmate TATUM to Facility B, Hobby Shop, and placed TATUM in Holding Cell #2. Correctional Officers J. Hoven and J. Quackenbush escorted Inmate JOHNSON, T-43903 to the Facility B Medical Clinic for evaluation, and to the Correctional Treatment Center for further medical evaluation.

STATUS OF VIDEOTAPED INTERVIEW (REQUIRED FOR HEAD/SERIOUS INJURY OR ALLEGATION):

There was no videotaped interview required; as it is apparent that all injuries sustained by JOHNSON during this incident were caused by the described ATTEMPTED MURDER. The CDC 7219 Medical Report notes that TATUM refused medical evaluation.

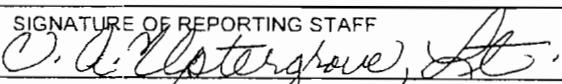
NOTIFICATIONS: The Administrative Officer of the Day, Investigative Services Captain, K. McGuyer and all appropriate Administrative Staff were apprised of this incident. You will be advised of any further developments in this matter, should they occur, via supplemental reports.

CONCLUSION: Inmate TATUM will be charged under the California Code of Regulations, (CCR), Title 15, Section 3005 (c), specifically, Attempted Murder. This case will be considered for referral to the Del Norte County District Attorneys Office for possible felony prosecution. Inmate TATUM is the suspect of this attempted murder and was rehoused and Confined to Quarters, in B8-232L, pending bed availability in Administrative Segregation. TATUM will remain in Administrative Segregation pending adjudication of the Rules Violation Report. Inmate JOHNSON returned from Sutter Coast Hospital, and after medical evaluation JOHNSON was cleared to be housed in his original assigned cell in B7-227L. JOHNSON has been determined to be the victim of this attempted murder; a CDC 128-B Victim's Chrono, has been completed and forwarded to records for processing.

OVERTIME: There was 6.5 hours of overtime, (Third Watch Staff), incurred as a result of this incident.

CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL A1

REVIEWED BY: C. E. Ducart, Central Services, Captain

NAME OF REPORTING STAFF (PRINT/TYPE) C. A. Uptergrove	TITLE Lieutenant	ID # N/A	BADGE # 49107
SIGNATURE OF REPORTING STAFF 		PHONE EXT. (INCIDENT SITE) X5555	DATE March 07, 2007
NAME OF WARDEN / AOD (PRINT/SIGN) ROBERT HOREL	TITLE Warden		DATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART B - 1 - INMATE

CDCR 837-B1 (07/05)

PAGE 3 OF 6

INSTITUTION Pelican Bay State Prison		FACILITY B		INCIDENT LOG NUMBER PBP-B07-07-03-0091					
INMATE (ENTIRE SHEET)									
NAME: LAST TATUM		FIRST IRIN		MI	CDC # E-20208	SEX Male	ETHNICITY Black	FBI # 231361HA0	CII # A08499885
CHECK ONE		CLASS SCORE 321	PV RTC <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE BY CDC 06-07-1989	DATE REC'D BY INST 08-09-2006	ANTICIPATED RELEASE DATE MEPD 12-26-2016	EXTRACTION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DOB 05-01-1969	HOUSING ASSIGN. B7-227U
<input type="checkbox"/> VICTIM <input checked="" type="checkbox"/> SUSPECT <input type="checkbox"/> WITNESS		<input type="checkbox"/> CCCMS <input type="checkbox"/> MHCB	<input checked="" type="checkbox"/> EOP <input type="checkbox"/> DDP <input type="checkbox"/> NA	<input type="checkbox"/> DPP <input type="checkbox"/> NA	COMMITMENT OFFENSE MURDER 1 ST & ASSAULT WITH FIREARM (X6)			COUNTY OF COMMITMENT MARIN COUNTY	
DESCRIPTION OF INJURIES UNKNOWN DUE TO INMATES REFUSAL TO COOPERATE						PRISON GANG / DISRUPTIVE GROUP NONE NOTED			
						<input type="checkbox"/> VALIDATED	<input type="checkbox"/> ASSOCIATED	<input checked="" type="checkbox"/> N/A	
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> DECEASED DATE: _____		<input type="checkbox"/> TREATED & RELEASED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> N/A		NAME/LOCATION OF HOSP/TREAT. FACILITY 7219 COMPLETED IN HOBBY SHOP HOLDING CELL					
NAME: LAST JOHNSON		FIRST EKZKIL		MI	CDC # -43903	SEX Male	ETHNICITY Black	FBI # 110011VA7	CII # A10074078
CHECK ONE		CLASS SCORE 72	PV RTC <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE BY CDC 02-11-2008	DATE REC'D BY INST 10-10-2006	ANTICIPATED RELEASE DATE MEPD 02-25-2039	EXTRACTION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DOB 07-08-1978	HOUSING ASSIGN. B7-227L
<input checked="" type="checkbox"/> VICTIM <input type="checkbox"/> SUSPECT <input type="checkbox"/> WITNESS		<input type="checkbox"/> CCCMS <input type="checkbox"/> MHCB	<input checked="" type="checkbox"/> EOP <input type="checkbox"/> DDP <input type="checkbox"/> NA	<input type="checkbox"/> DPP <input type="checkbox"/> NA	COMMITMENT OFFENSE MURDER 1ST			COUNTY OF COMMITMENT CONTRA COSTA CO.	
DESCRIPTION OF INJURIES NUMEROUS CUTS/ LACERATIONS/ ACTIVE BLEEDING/ SWOLLEN AREA TO FACE, BRUISE/ DISCOLORED AREA TO RIGHT SHOULDER/ ABRASION/ SCRATCH LEFT SHOULDER & RIGHT KNEE						PRISON GANG / DISRUPTIVE GROUP SON' OF DEATH/ SOD ASIAN GANG			
						<input type="checkbox"/> VALIDATED	<input type="checkbox"/> ASSOCIATED	<input checked="" type="checkbox"/> N/A	
<input checked="" type="checkbox"/> HOSPITALIZED <input type="checkbox"/> DECEASED DATE: _____		<input type="checkbox"/> TREATED & RELEASED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> N/A		NAME/LOCATION OF HOSP/TREAT. FACILITY 7219 COMPLETED IN B CLINIC/ SUTTER COAST HOSPITAL					

STATE OF CALIFORNIA

CRIME / INCIDENT REPORT

PART B - 2 - STAFF

CDCR 837-B2 (07/05)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PAGE 4 OF 6

INSTITUTION

Pelican Bay State Prison

FACILITY

B

INCIDENT LOG NUMBER

PBP-B07-07-03-0091

STAFF (ENTIRE SHEET)

NAME: LAST UPTERGROVE		FIRST C.	MI	TITLE Correctional Lieutenant	SEX Female	ETHNICITY White	RDO'S T/W
CHECK ONE		BADGE # 49107	POST ASSIGN. # 120118	POSITION Watch Lieutenant			
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: <input checked="" type="checkbox"/> N/A					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		NAME/LOCATION OF HOSP./TREAT. FACILITY <input checked="" type="checkbox"/> N/A		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
CHECK ONE		BADGE # 67263	POST ASSIGN. # 171592	POSITION B 7-8 Rover			
<input checked="" type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: <input checked="" type="checkbox"/> N/A					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		NAME/LOCATION OF HOSP./TREAT. FACILITY <input checked="" type="checkbox"/> N/A		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
NAME: LAST COPE		FIRST N.	MI	TITLE Correctional Officer	SEX Male	ETHNICITY White	RDO'S S/S
CHECK ONE		BADGE # 67251	POST ASSIGN. # 171574	POSITION B7 Control Booth Officer			
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input type="checkbox"/> RESPONDER <input checked="" type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: <input checked="" type="checkbox"/> N/A					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		NAME/LOCATION OF HOSP./TREAT. FACILITY <input checked="" type="checkbox"/> N/A		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
NAME: LAST FRISK		FIRST J.	MI	TITLE Correctional Sergeant	SEX Male	ETHNICITY White	RDO'S M/T
CHECK ONE		BADGE # 65216	POST ASSIGN. # 170374	POSITION B Facility Sergeant			
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: <input checked="" type="checkbox"/> N/A					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		NAME/LOCATION OF HOSP./TREAT. FACILITY <input checked="" type="checkbox"/> N/A		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
NAME: LAST HOVEN		FIRST J	MI	TITLE Correctional Officer	SEX Male	ETHNICITY White	RDO'S M/T
CHECK ONE		BADGE # 69903	POST ASSIGN. # 351654	POSITION B3 Control Booth Officer			
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: <input checked="" type="checkbox"/> N/A					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		NAME/LOCATION OF HOSP./TREAT. FACILITY <input checked="" type="checkbox"/> N/A		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART B - 2 - STAFF

CDCR 837-B2 (07/05)

PAGE 6 OF 6

INSTITUTION

Pelican Bay State Prison

FACILITY

B

INCIDENT LOG NUMBER

PBP-B07-07-03-0091

STAFF (ENTIRE SHEET)

NAME: LAST QUAM		FIRST D.	MI	TITLE Correctional Officer	SEX Male	ETHNICITY White	RDO'S M/T
CHECK ONE		BADGE # 65747	POST ASSIGN. # 151692	POSITION B 3-4 Rover			
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: <input checked="" type="checkbox"/> N/A					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		NAME/LOCATION OF HOSP./TREAT. FACILITY <input checked="" type="checkbox"/> N/A		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
CHECK ONE		BADGE # 43847	POST ASSIGN. # 121107	POSITION Watch Search & Escort Officer			
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: <input checked="" type="checkbox"/> N/A					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		NAME/LOCATION OF HOSP./TREAT. FACILITY <input checked="" type="checkbox"/> N/A		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
NAME: LAST BEARD		FIRST D.	MI	TITLE Correctional Officer	SEX Male	ETHNICITY White	RDO'S S/S/H
CHECK ONE		BADGE # 31532	POST ASSIGN. # 221007	POSITION Security Squad Officer			
<input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> CAMERA <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: <input checked="" type="checkbox"/> N/A					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		NAME/LOCATION OF HOSP./TREAT. FACILITY <input checked="" type="checkbox"/> N/A		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
NAME: LAST FOLSOM		FIRST L.	MI	TITLE Medical Technical Assistant	SEX Male	ETHNICITY White	RDO'S Vary
CHECK ONE		BADGE # 40906	POST ASSIGN. # N/A	POSITION Medical Technical Assistant Rover			
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: <input checked="" type="checkbox"/> N/A					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		NAME/LOCATION OF HOSP./TREAT. FACILITY <input checked="" type="checkbox"/> N/A		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
NAME: LAST HASSMAN		FIRST E.	MI	TITLE Registered Nurse	SEX Female	ETHNICITY White	RDO'S F/S
CHECK ONE		BADGE # N/A	POST ASSIGN. # N/A	POSITION Registered Nurse			
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: <input checked="" type="checkbox"/> N/A					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		NAME/LOCATION OF HOSP./TREAT. FACILITY <input checked="" type="checkbox"/> N/A		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

PELICAN BAY S.C.

STATE OF CALIFORNIA

CRIME / INCIDENT REPORT

PART B - 2 - STAFF

AMENDED ON 03-07-2007

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CDCR 837-B2 (07/05)

INSTITUTION

Pelican Bay State Prison

FACILITY

B

INCIDENT LOG NUMBER

PBP-B07-07-03-0091

PAGE 5 OF 7

STAFF (ENTIRE SHEET)							
NAME: LAST UPTERGROVE		FIRST C.	MI A.	TITLE Correctional Lieutenant	SEX Female	ETHNICITY White	RDO'S T/W
CHECK ONE		BADGE # 49107	POST ASSIGN. # 120118		POSITION Watch Lieutenant		
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: None Reported.					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		<input checked="" type="checkbox"/> N/A <input type="checkbox"/> N/A		NAME/LOCATION OF HOSP./TREAT. FACILITY		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
CHECK ONE		BADGE # 67263	POST ASSIGN. # 171592		POSITION B 7-8 Rover		
<input checked="" type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: NONE REPORTED.					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		<input checked="" type="checkbox"/> N/A <input type="checkbox"/> N/A		NAME/LOCATION OF HOSP./TREAT. FACILITY		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <i>(cc) 03-22-07</i>
NAME: LAST COPE		FIRST N.	MI G.	TITLE Correctional Officer	SEX Male	ETHNICITY White	RDO'S S/S
CHECK ONE		BADGE # 67251	POST ASSIGN. # 171574		POSITION B7 Control Booth Officer		
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input type="checkbox"/> RESPONDER <input checked="" type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: NONE REPORTED.					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		<input checked="" type="checkbox"/> N/A <input type="checkbox"/> N/A		NAME/LOCATION OF HOSP./TREAT. FACILITY		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
NAME: LAST FRISK		FIRST J.	MI D.	TITLE Correctional Sergeant	SEX Male	ETHNICITY White	RDO'S M/T
CHECK ONE		BADGE # 65216	POST ASSIGN. # 170374		POSITION B Facility Sergeant		
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: NONE REPORTED.					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		<input checked="" type="checkbox"/> N/A <input type="checkbox"/> N/A		NAME/LOCATION OF HOSP./TREAT. FACILITY		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
NAME: LAST HOOD		FIRST R.	MI	TITLE Correctional Officer	SEX Male	ETHNICITY White	RDO'S T/F
CHECK ONE		BADGE # 60195	POST ASSIGN. # 331435		POSITION ASU S&E #1		
<input type="checkbox"/> PRIMARY <input type="checkbox"/> CAMERA <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		DESCRIPTION OF INJURIES: NONE REPORTED.					
<input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> DECEASED DATE: _____		<input checked="" type="checkbox"/> N/A <input type="checkbox"/> N/A		NAME/LOCATION OF HOSP./TREAT. FACILITY		USED FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE: _____	PROCESSED EVIDENCE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C -- STAFF REPORT

CDCR 837 - C (Rev. 07/05)

PAGE 1 OF 2 INCIDENT LOG NUMBER
PBP-B07-07-03-0091

NAME: LAST HOOD		FIRST R		MI E	INCIDENT DATE 03-01-07	INCIDENT TIME 2205 HOURS
POST # 331435	POSITION ASU S&E	YEARS OF SERVICE 7 yrs 8mths	DATE OF REPORT 03-08-07	LOCATION OF INCIDENT ASU Officers Station		

RDO's T/F	DUTY HOURS 1400-2200	DESCRIPTION OF INCIDENT ATTEMPTED MURDER			CCR SECTION / RULE 3005(c)	<input type="checkbox"/> N/A
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YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES INVOLVED (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)		
<input checked="" type="checkbox"/> PRIMARY	<i>R. L. C. UPTERGROVE (S)</i>			Tatum (E-20208) (s)		
<input type="checkbox"/> RESPONDER	<i>3-8-07</i>					
<input type="checkbox"/> WITNESS						
<input type="checkbox"/> VICTIM						
<input type="checkbox"/> CAMERA						

FORCE USED BY YOU		WEAPONS AND SHOTS FIRED BY YOU			CHEMICAL AGENTS USED BY YOU	
<input type="checkbox"/> WEAPON <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input checked="" type="checkbox"/> NONE		<input type="checkbox"/> MINI 14 <input type="checkbox"/> 9 MM <input type="checkbox"/> 38 CAL. <input type="checkbox"/> SHOTGUN	<input type="checkbox"/> NO: <input type="checkbox"/> 37 MM <input type="checkbox"/> 40 MM <input type="checkbox"/> L8 <input type="checkbox"/> 40 MULTI <input type="checkbox"/> HFWRS <input type="checkbox"/> BATON	<input type="checkbox"/> NO: <input type="checkbox"/> TYPE: <input type="checkbox"/> OC <input type="checkbox"/> CN <input type="checkbox"/> CS <input type="checkbox"/> OTHER	<input type="checkbox"/> TYPE: <input type="checkbox"/> N/A	
FORCE OBSERVED BY YOU						
<input type="checkbox"/> WEAPON <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input checked="" type="checkbox"/> NONE					<input checked="" type="checkbox"/> N/A	

EVIDENCE COLLECTED BY YOU		EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION		BIO HAZARD	PPE
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		4 outgoing letters written by I/M Tatum (E-20208) Addressed to Tresie Mc Nell, Angelique Evans, Shaun Terrell Tatum and S. James	Submitted to 1/W Watch Commander, Lt. C. Uptergrove		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> N/A	<input type="checkbox"/> N/A		SCIF 3301 / 3067 COMPLETED	
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A		<input type="checkbox"/> N/A	<input type="checkbox"/> BODILY <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

NARRATIVE:

On, Tuesday, March 06, 2007, and Wednesday, March 07, 2007 at approximately 2130 hours on both days, I was performing my duties as ASU S&E. While processing the outgoing mail on March 6th, I discovered 3 letters written by I/M Tatum (E-20208) ASU C7L. The letters were addressed to, Tresie Mc Nell, Angelique Evans, and Shaun Terrell Tatum. On March 7th, I discovered one letter written by Tatum and addressed to S. James. In these letters, Tatum describes his attack on I/M Johnson (T-43903) and states his thought of killing him.

In the letter addressed to Tresie Mc Nell, page #2, Tatum states, "I calmly took my square ass glasses off and knock that niga "out cold". And when the niga was out, I went to work on his face with my hands and feet until his was hella bloody". Tatum also states on page #2, "When I was on that niga I started choking him becuz I thought about killin him. Thats how angry and "possessed" I felt."

In the letter addressed to Shaun Terrell Tatum, page #1, Tatum states, "I know he was indirectly talking about me and he must have thought I wasn't pickin up on his indirect bullshit. So the next time he did it, I just snapped and started knocking that niga up-side his head until he was knocked out and then I started stomping his face and head into the floor until the police came."

In the letter addressed to Angelique Evans, page #2, Tatum also states, "I guess I surprised his dumb ass when I knocked his bitch-ass out and had him beggin for his life. When I started choking that niga, that niga started sayin, "Don't kill me cuz, don't kill me cuz!"

CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF <i>R. Hood</i>	TITLE C/O	BADGE # 60195	DATE 03-08-07
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <i>R. L. UPTERGROVE, Lt.</i>	DATE RECEIVED 03-08-07	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Distribution: Original: Incident Package	Copy: Reporting Employee	Copy: Reviewing Supervisor	

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CRIME / INCIDENT REPORT
PART C – STAFF REPORT
CDC 837 - C (Rev. 09/03)

PAGE	1	OF	2	INCIDENT LOG NUMBER
				PBP-B07-07-03-0091

NAME: QUACKENBUSH		FIRST J.	MI J.	DATE OF INCIDENT 3/1/07	TIME OF INCIDENT 2205 hrs.
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POST # 171592	POSITION B 7-8 ROVER	YEARS OF SERVICE 4	DATE OF REPORT 3/1/07	LOCATION OF INCIDENT B7 C SECTION B8-227
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RDO's M/T	DUTY HOURS 2200-0600	DESCRIPTION OF INCIDENT BATTERY ON INMATE W/SBI	CCR SECTION / RULE 3005c	<input type="checkbox"/> N/A
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YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES INVOLVED (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)		
<input checked="" type="checkbox"/> PRIMARY	(s) C/O N. Cope	(s) Tatum E-20208		
<input type="checkbox"/> RESPONDER	(s) Sgt. J. Frisk	(v) Johnson T-43903		
<input type="checkbox"/> WITNESS	(s) C/O J. Hoven			
<input type="checkbox"/> VICTIM	(s) MTA L. Folsom			
<input type="checkbox"/> CAMERA	(s) RN E. Hassman			

FORCE USED BY YOU	WEAPONS USED BY YOU		SHOTS FIRED BY YOU		
<input type="checkbox"/> WEAPON	<input type="checkbox"/> MINI-14	CHEM. TYPE:	<input type="checkbox"/> 27 MM	TYPE:	NO:
<input type="checkbox"/> PHYSICAL	<input type="checkbox"/> 9 MM	<input type="checkbox"/> OC	<input type="checkbox"/> 18		9 MM
<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> 38 CAL	<input type="checkbox"/> CN	<input type="checkbox"/> 40 MM		38 CAL
FORCE OBSERVED BY YOU	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> CS	<input type="checkbox"/> 40 MULTI		MINI-14
<input type="checkbox"/> WEAPON	<input type="checkbox"/> 37 MM	<input type="checkbox"/> L8	<input type="checkbox"/> SHOTGUN		<input checked="" type="checkbox"/> N/A
<input type="checkbox"/> PHYSICAL	<input type="checkbox"/> 40 MM	<input type="checkbox"/> 40 MULTI	<input checked="" type="checkbox"/> N/A		
<input type="checkbox"/> NONE	<input type="checkbox"/> HFWRS	<input type="checkbox"/> BATON			

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
<input checked="" type="checkbox"/> YES	Bloody T-Shirt	Evidence Locker #14	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> NO	<input type="checkbox"/> NO
REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	SCIF 3301 / 3067 COMPLETED
<input type="checkbox"/> YES			<input type="checkbox"/> BODILY <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER	<input type="checkbox"/> YES
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> NO

NARRATIVE:

On Thursday, March 1, 2007, at approx. 2205 hrs., while performing my duties as B Bldg. 7-8 Rover, I was in the officers station when I heard a banging noise coming from what sounded like C section. Control Booth Officer N. Cope advised me the noise was coming from C section. I went in to the C section rotunda and tried to determine where the noise had come from. I heard loud voices from B7-227 and saw the light on and one inmate standing at the door. I walked up to the door and saw inmate Tatum, E-20208, (later identified by his bed card) standing at the cell front, facing the toilet. I looked down by the toilet and saw inmate Johnson, T-43903, (later identified by his bed card) kneeling down on the ground facing the toilet. Johnson's white t-shirt had bloodstains on the left shoulder, and he appeared to have multiple injuries to the left side of his face. Tatum's right hand was on Johnson's right shoulder, and I ordered Tatum to stand at the back of the cell. Tatum complied with my order, and walked to the back of the cell. I then instructed Cope to press his alarm, which he did. I maintained visual contact on both inmates until Sgt. J. Frisk responded to the cell front. He ordered me to open the cuffport, and told Tatum to kneel down on the lower bunk. Tatum complied and Sgt. Frisk ordered Johnson to cuff up. Johnson turned his back towards the cell door, and I handcuffed Johnson. Cope opened the cell door. I grabbed Johnson's right bicep with my left hand and started escorting Johnson down the tier. Officer J. Hoven was walking on Johnson's left side and I was unable to see if Hoven had physical contact with Johnson due to my focus on Johnson and his injuries. Hoven and I escorted Johnson to B clinic, where MTA L. Folsom and RN E. Hassman evaluated his condition. MTA L. Folsom determined that we were to take Johnson to the infirmary. Hoven and I instructed Johnson to sit in a wheelchair and escorted him to the

 CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF 	TITLE C/O	BADGE # 67263	ID #	DATE 3/1/07
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) 	DATE RECEIVED 3/1/07	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CRIME / INCIDENT REPORT
PART C1 – SUPPLEMENT
 CDC 837 - C (Rev. 09/03)

PAGE	2	OF	2	INCIDENT LOG NUMBER
			PBP-B07-07-03-0094	
NAME: LAST	FIRST			MI
QUACKENBUSH	J.			J.

TYPE OF INFORMATION

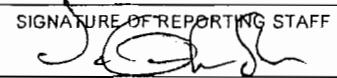
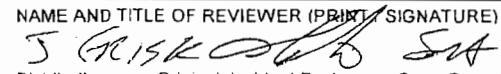
CONTINUATION OF REPORT ADDITIONAL INFORMATION CLARIFICATION REQUEST

NARRATIVE

infirmary via the infirmary rover van. Johnson was taken to the ER and was further evaluated by RN E. Hassman and MTA L. Folsom. I removed Johnson's bloody t-shirt and placed a new one on him per medical staff. I then placed Johnson's t-shirt in an evidence bag. RN E. Hassman concluded that Johnson needed to be taken to Sutter Coast Hospital. The ambulance arrived (code 2), and transport staff then escorted Johnson to the ambulance. At approx. 0120 hrs., I placed the evidence bag containing Johnson's bloody shirt in locker #14 in the watch office. This concludes my involvement in this incident.

PELICAN BAY
A.S.U.

CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

SIGNATURE OF REPORTING STAFF 	TITLE C/O	BADGE # 67263	ID #	DATE 3/1/07
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) 	DATE RECEIVED 3/1/07	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE

Distribution: Original: Incident Package Copy: Reporting Employee

Copy: Reviewing Supervisor

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C – STAFF REPORT
 CDCR 837 - C (Rev. 07/05)

 PAGE 1 OF 2 INCIDENT LOG NUMBER
 PBP-B07-03-0091
 0-88 3/1/07

NAME: LAST FRISK		FIRST J	MI D	INCIDENT DATE 03/01/07	INCIDENT TIME 2205
POST # 170374	POSITION B Facility Sergeant	YEARS OF SERVICE 4	DATE OF REPORT 03/01/07	LOCATION OF INCIDENT B7-227	
RDO's M/T	DUTY HOURS 2200/0600	DESCRIPTION OF INCIDENT Battery On Inmate With Serious Bodily Injury			CCR SECTION / RULE 3005 (c) <input type="checkbox"/> N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES INVOLVED (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)		
<input type="checkbox"/> PRIMARY	C/O D. Quam-S	C/O D. Beard-S	TATUM E-20208, B7-227	U- SUSPECT
<input checked="" type="checkbox"/> RESPONDER	C/O K. Woodward-S	-----	JOHNSON T-43903 B7-227	L- VICTIM
<input type="checkbox"/> WITNESS	C/O J. Quackenbush	-----	-----	-----
<input type="checkbox"/> VICTIM	C/O J. Hoven-S	-----	-----	-----
<input type="checkbox"/> CAMERA	MTA L. Folsom-S	-----	-----	-----
	RN E. Hassman-S	-----	-----	-----

FORCE USED BY YOU	WEAPONS AND SHOTS FIRED BY YOU			CHEMICAL AGENTS USED BY YOU
<input type="checkbox"/> WEAPON	NO:	NO:	TYPE:	TYPE:
<input type="checkbox"/> PHYSICAL	<input type="checkbox"/> MINI 14	<input type="checkbox"/> 37 MM	-----	<input type="checkbox"/> OC
<input type="checkbox"/> CHEMICAL	<input type="checkbox"/> 8 MM	<input type="checkbox"/> 40 MM	-----	<input type="checkbox"/> CN
<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> 38 CAL	<input type="checkbox"/> L8	-----	<input type="checkbox"/> CS
FORCE OBSERVED BY YOU	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> 40 MULTI	-----	<input type="checkbox"/> OTHER
<input type="checkbox"/> WEAPON	<input type="checkbox"/> HFWRS	-----	-----	-----
<input type="checkbox"/> PHYSICAL	<input type="checkbox"/> BATON	-----	-----	-----
<input type="checkbox"/> CHEMICAL	-----	-----	-----	-----
<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> N/A	-----	-----	<input checked="" type="checkbox"/> N/A

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
<input type="checkbox"/> YES	-----	-----	<input type="checkbox"/> NO	<input type="checkbox"/> NO
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	-----	-----	-----

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	SCIF 3301 / 3067 COMPLETED
<input type="checkbox"/> YES	-----	-----	<input type="checkbox"/> BODILY	<input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES
			<input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> NO

NARRATIVE:

On Thursday March 1, 2007, I responded to a personal alarm in B7. I entered C section and responded to the upper tier. Correctional Officer (C/O) J. Quackenbush was standing in front of cell 227. Quackenbush informed me that there had been a cell fight. Inmate JOHNSON, T-43903, B7-227L, was standing at the front of the cell. Inmate TATUM, E-20208, B7-227U, was standing at the back of the cell. JOHNSON had large amounts of swelling and blood on his head and face area. I ordered TATUM to face the back wall of the cell. TATUM complied. I ordered Quackenbush to open the cuff port so JOHNSON could be placed in restraints. Quackenbush placed handcuffs on JOHNSON. I ordered TATUM to kneel on the lower bunk and not to move. TATUM complied. I ordered the cell door opened. JOHNSON exited the cell. JOHNSON was escorted out of the unit and to the B Facility Clinic by C/O's Quackenbush and J. Hoven. I ordered the door closed. I ordered TATUM to the front cell. TATUM began to place items in the cell into a laundry bag. I again ordered TATUM to the front of the cell. TATUM put on a blue CDC jacket and came to the front of the cell. I ordered TATUM to turn around and cuff-up. TATUM complied. I opened the cuff port and placed handcuffs on TATUM. I ordered the cell door opened. TATUM exited the cell and was escorted out of the unit, to the B Facility Hobby Shop and placed into cell #2 by C/O's D. Quam and K. Woodward. I opened the cuff port to remove the handcuffs from TATUM where I discovered blood on TATUM'S hands. At that

 CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF J. FRISK	TITLE SERGEANT	BADGE # 65216	DATE 3/1/07
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) C. A. GREGORY, JR. B. O. MORTON, JR.	DATE RECEIVED 03-01-07	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
			DATE

STATE OF CALIFORNIA

CRIME / INCIDENT REPORT
PART C – STAFF REPORT
 CDCR 837 – C1 (Rev. 07/05)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PAGE	<u>2</u>	OF	<u>2</u>	INCIDENT LOG NUMBER
				PBP-B07-03-0091 07-31-07
NAME: LAST	FIRST			MI
FRISK	J			D

TYPE OF INFORMATION

<input checked="" type="checkbox"/> CONTINUATION OF REPORT	<input type="checkbox"/> ADDITIONAL INFORMATION	<input type="checkbox"/> CLARIFICATION REQUEST
--	---	--

NARRATIVE

time I did not remove the handcuffs pending photographs being taken by the security squad. I reported to the B Facility Clinic where JOHNSON was being treated by MTA L. Folsom and RN E. Hassman for injuries to his facial area. A CDC 7219 medical evaluation was completed by MTA Folsom which noted numerous injuries to JOHNSON'S face, neck, and shoulder area. JOHNSON was then taken to the Correctional Treatment Center for further medical attention, and later sent to Sutter Coast Hospital for treatment. At approximately 2330 hours Security Squad Officer D. Beard attempted to take photographs and DNA swabs of TATUM'S hands for evidence. TATUM refused to cooperate with Officer Beard. It was determined that photos and DNA were not essential to the incident package, therefore no evidence was collected on TATUM. MTA Folsom attempted to conduct a 7219 on TATUM. TATUM was uncooperative and refused medical evaluation. At approximately 0215 hours TATUM was rehoused in B8-232L without further incident. TATUM will be on CTQ status pending bed availability in Administrative Segregation.

 PELICAN BAY
 A.S.U.

 CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF J. FRISK	TITLE Sergeant	BADGE # 65216	DATE 3/1/07
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) E. J. WALTERS, C.T.	DATE RECEIVED 03-01-07	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C – STAFF REPORT

CDCR 837 – C1 (Rev. 07/05)

PAGE	<u>2</u>	OF	<u>2</u>	INCIDENT LOG NUMBER
				PBP-B07-07-03-0091

NAME: LAST

FIRST

MI

HOOD

R

E

TYPE OF INFORMATION

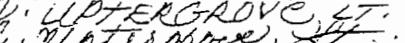
 CONTINUATION OF REPORT ADDITIONAL INFORMATION CLARIFICATION REQUEST

NARRATIVE

In the letter addressed to S. James, page # 1, Tatum states, "now when I come up for this hearin in 2008 it ain't goin look good for me becuz I beat the shit out of my cellie."

I submitted all four letters with copies to the I/W Watch Commander Office via the Watch Commander's Files.

 CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF 	TITLE C/O	BADGE # 60195	DATE 03-08-07
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE)  C. Watergrove, Lt.	DATE RECEIVED 03-08-07	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Distribution: Original: Incident Package Copy: Reporting Employee

Copy: Reviewing Supervisor

DATE
03-08-07

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CRIME / INCIDENT REPORT

PART C – STAFF REPORT

CDC 837 - C (Rev. 09/03)

PAGE 1 OF 1 INCIDENT LOG NUMBER
PBP-B07-07-03-0091

NAME: HOVEN		FIRST J.	MI	DATE OF INCIDENT 03-01-07	TIME OF INCIDENT 2205
POST # 351654	POSITION B3 Control Booth Officer	YEARS OF SERVICE 1 YR.	DATE OF REPORT 03-01-07	LOCATION OF INCIDENT B7 SECTION C / CELL 227	
RDO's M/T	DUTY HOURS 1400-2200	DESCRIPTION OF INCIDENT Battery on inmate with serious bodily injury			CCR SECTION / RULE 3005 (C) <input type="checkbox"/> N/A
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES INVOLVED (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)	
<input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM <input type="checkbox"/> CAMERA		(S) J. Quackenbush (S) SGT. J. Frisk (S) MTA, L. Folsom (S) RN, E. Hassman		(S) Datum (E-20208) (V) Johnson (T-43903)	
FORCE USED BY YOU		WEAPONS USED BY YOU		SHOTS FIRED BY YOU	
<input type="checkbox"/> WEAPON <input type="checkbox"/> PHYSICAL <input checked="" type="checkbox"/> NONE		<input type="checkbox"/> MINI-14 <input type="checkbox"/> 9 MM <input type="checkbox"/> 38 CAL <input type="checkbox"/> SHOTGUN <input type="checkbox"/> 37 MM <input type="checkbox"/> 40 MM <input type="checkbox"/> HFWRS		CHEM. TYPE: <input type="checkbox"/> OC <input type="checkbox"/> CN <input type="checkbox"/> CS <input type="checkbox"/> LB <input type="checkbox"/> OTHER <input type="checkbox"/> N/A	
FORCE OBSERVED BY YOU				TYPE: NO: NO: 37 MM _____ 9 MM _____ L8 _____ 38 CAL _____ 40 MM _____ MINI-14 _____ 40 MULTI _____ SHOTGUN _____ <input checked="" type="checkbox"/> N/A	
<input type="checkbox"/> WEAPON <input type="checkbox"/> PHYSICAL <input checked="" type="checkbox"/> NONE					
EVIDENCE COLLECTED BY YOU		EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A	
REPORTING STAFF INJURED		DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input checked="" type="checkbox"/> N/A		<input type="checkbox"/> BODILY <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO
SCIF 3301 / 3067 COMPLETED					

PELICAN BAY A.S.U.

NARRATIVE:

On Thursday, March 1st, 2007 at approximately 2205, I Officer J. Hoven responded to an audible alarm in B7 section C. When I arrived Sergeant J. Frisk asked me to help Officer J. Quackenbush escort Inmate Johnson, T-43903 (B7-227L) to B Clinic for medical evaluation. Johnson appeared to have multiple injuries and blood on his face. At this time Medical Technical Assistant L. Folsom and Registered Nurse E. Hassman evaluated Johnson. MTA Folsom then requested that Johnson be escorted by wheel chair to the infirmary, Johnson was evaluated by RN Hassman in the Emergency Room and concluded that Johnson would need additional treatment at Sutter Coast Hospital. Johnson was transported by ambulance (code 2) off of institution grounds.

 CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF J. Hoven	TITLE C/O	BADGE # 69903	ID #	DATE 03-01-07
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <i>J. Frisk</i>	DATE RECEIVED 3/1/07	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE

Distribution: Original: Incident Package Copy: Reporting Employee

Copy: Reviewing Supervisor

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C – STAFF REPORT

CDCR 837-C (Rev. 07/05)

PAGE	1	OF	1	INCIDENT LOG NUMBER
				PBP-B07-03-0091

NAME: LAST Quam		FIRST D.		MI J.	INCIDENT DATE 03/01/07	INCIDENT TIME 2205
POST # 151692	POSITION B 3-4 Rover	YEARS OF SERVICE 4 Years 4 Months	DATE OF REPORT 03/01/07	LOCATION OF INCIDENT B-7 227		
RDO's M/T	DUTY HOURS 2200-0600	DESCRIPTION OF CRIME / INCIDENT Battery On Inmate With Serious Bodily Injury			CCR SECTION / RULE 3005 (c)	□ N/A
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES INVOLVED (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)		
<input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM <input type="checkbox"/> CAMERA		J. Frisk SGT. (s)		TATUM E-20208 (S)		
		K. Woodward (s)		JOHNSON T-43903 (V)		
		J. Hoven (s)				
		J. Quackenbush (s)				
FORCE USED BY YOU		WEAPONS AND SHOTS FIRED BY YOU			CHEMICAL AGENTS USED BY YOU	
<input type="checkbox"/> WEAPON <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input checked="" type="checkbox"/> NONE		NO: <input type="checkbox"/> MINI-14 <input type="checkbox"/> 9 MM <input type="checkbox"/> 38 CAL <input type="checkbox"/> SHOTGUN <input checked="" type="checkbox"/> N/A	NO: <input type="checkbox"/> 37 MM <input type="checkbox"/> 40 MM <input type="checkbox"/> LB <input type="checkbox"/> 40 MULTI <input type="checkbox"/> HFWRS <input type="checkbox"/> BATON	TYPE: <input type="checkbox"/> OC <input type="checkbox"/> CN <input type="checkbox"/> CS <input type="checkbox"/> OTHER: <input checked="" type="checkbox"/> N/A	TYPE: <input type="checkbox"/> OC <input type="checkbox"/> CN <input type="checkbox"/> CS <input type="checkbox"/> OTHER: <input checked="" type="checkbox"/> N/A	
FORCE OBSERVED BY YOU						
<input type="checkbox"/> WEAPON <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input checked="" type="checkbox"/> NONE						

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION		BIO HAZARD	PPE
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	SCIF 3301 / 3067 COMPLETED	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> BODILY <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

NARRATIVE:

On 3-01-07 at approximately 2205 hours, while conducting my duties as the B 3-4 Rover, I responded to a personal alarm on Bravo Facility, Seven Block, C-Section. I responded to cell 227, where I observed inmate JOHNSON, T-43903, B-7 227L, standing at the front of the cell. Correctional Officer (C/O) J. Quackenbush applied handcuffs to Inmate JOHNSON. Inmate Johnson appeared to have blood on his face. Inmate JOHNSON exited the cell, the cell door was then closed. Inmate JOHNSON was escorted out of the section, by (C/O) J. Quackenbush and (C/O) J. Hoven. I observed Correctional Sergeant J. Frisk apply handcuffs to Inmate TATUM E-20208, B-7 227U. Inmate JOHNSON exited the cell. (C/O) K. Woodward and I escorted TATUM out of the housing unit to the B Facility hobby shop, where we placed him in holding cell #2. Sergeant Frisk opened the cuff port to remove the handcuffs from TATUM. I observed blood on inmate TATUM's hands. At that time the handcuffs were not removed pending pictures being taken the security squad.

CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF <i>D. Quam</i>	TITLE C/O	BADGE # 65 747		DATE 03/01/07
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <i>J Frisk 567</i>	DATE RECEIVED 3/1/07	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C – STAFF REPORT
 CDCR 837 - C (Rev. 07/05)

 PAGE 1 OF 1 INCIDENT LOG NUMBER
 PBP-B07-07-03-0091

NAME: LAST WOODWARD		FIRST K.	MI H.	INCIDENT DATE 03/01/2007	INCIDENT TIME 2205
POST # 121107	POSITION WATCH S/E	YEARS OF SERVICE 16	DATE OF REPORT 03/02/2007	LOCATION OF INCIDENT B 7 C SECTION	
RDO's S/S	DUTY HOURS 2200/0600	DESCRIPTION OF INCIDENT BATTERY ON INMATE W/SBI			CCR SECTION / RULE 3005 (C) <input type="checkbox"/> N/A

YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES INVOLVED (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)		
<input type="checkbox"/> PRIMARY	<input type="checkbox"/> RESPONDER	D. QUAM(S)	TATUM E20208 (S)	<input type="checkbox"/> JOHNSTON T43903 (V)	
<input type="checkbox"/> WITNESS		SERGEANT J. FRISK (S)			
<input type="checkbox"/> VICTIM		J. QUACKENBUSH (S)			
<input type="checkbox"/> CAMERA		J. HOVEN (S)			

FORCE USED BY YOU		WEAPONS AND SHOTS FIRED BY YOU			CHEMICAL AGENTS USED BY YOU	
<input type="checkbox"/> WEAPON	<input type="checkbox"/> PHYSICAL	<input type="checkbox"/> CHEMICAL	<input type="checkbox"/> NONE	NO: <input type="checkbox"/> MINI 14 <input type="checkbox"/> 9 MM <input type="checkbox"/> 38 CAL. <input type="checkbox"/> SHOTGUN	NO: <input type="checkbox"/> 37 MM <input type="checkbox"/> 40 MM <input type="checkbox"/> LB <input type="checkbox"/> 40 MM MULTI <input type="checkbox"/> HFWRNS <input type="checkbox"/> BATON	TYPE: <input type="checkbox"/> OC <input type="checkbox"/> CN <input type="checkbox"/> CS <input type="checkbox"/> OTHER
<input type="checkbox"/> WEAPON	<input type="checkbox"/> PHYSICAL	<input type="checkbox"/> CHEMICAL	<input type="checkbox"/> NONE	<input type="checkbox"/> N/A		<input type="checkbox"/> N/A
FORCE OBSERVED BY YOU						

EVIDENCE COLLECTED BY YOU		EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
REPORTING STAFF INJURED		DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	
<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> BODILY <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER	<input type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO

NARRATIVE:

On 03/01/2007 at approximately 2205 hours while performing my duties as the Watch S/E. I responded to a personal alarm in B7 C section cell 227 occupied by INMATES JOHNSON T- 43903 B7 227L and TATUM E- 20208 B7 227 U. As I came upon the cell I observed INMATE JOHNSON exit cell 227, I did not observe who applied mechanical restraints to JOHNSON. Officers J. QUACKENBUSH and OFFICER J. HOVEN escorted INMATE JOHNSON to the B yard medical clinic for evaluation by M.T.A. L. FOLSOM... I observed SERGEANT J. FRISK apply mechanical restraints to INMATE TATUM he exited cell 227, OFFICER D. QUAM and I escorted TATUM to the B yard hobby shop and housed him in holding cell # 2. I observed no force. This ends my involvement in this incident.

CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF K. WOODWARD	TITLE CO	BADGE # 43847		DATE 03/01/2007
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) J. FRISK, S/E		DATE RECEIVED 3/1/07	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input type="checkbox"/> NO
				DATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C – STAFF REPORT
 CDCR 837-C (Rev. 07/05)

 PAGE 1 OF 2 INCIDENT LOG NUMBER
 PBP-B07-07-03-0091

NAME: LAST BEARD		FIRST DONALD	MI R	INCIDENT DATE 3-1-07	INCIDENT TIME 2205 hours
POST # 221007	POSITION SECURITY SQUAD	YEARS OF SERVICE 20 Years 10 Months	DATE OF REPORT 3-1-07	LOCATION OF INCIDENT FACILITY B, UNIT 7, CELL 227	
RDO's S/S/H	DUTY HOURS Vary	DESCRIPTION OF CRIME / INCIDENT BATTERY ON INMATE WITH SBI			CCR SECTION / RULE 3005(c) <input type="checkbox"/> N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES INVOLVED (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)	
<input type="checkbox"/> PRIMARY	(S) Lt. C. Uptergrove		(V) JOHNSON T-43903 B7-227L	
<input checked="" type="checkbox"/> RESPONDER			(S) TATUM T-43903 B7-227U	
<input type="checkbox"/> WITNESS				
<input type="checkbox"/> VICTIM				
<input checked="" type="checkbox"/> CAMERA				

FORCE USED BY YOU	WEAPONS AND SHOTS FIRED BY YOU			CHEMICAL AGENTS USED BY YOU
<input type="checkbox"/> WEAPON <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input checked="" type="checkbox"/> NONE	NO:	NO:	TYPE:	TYPE:
	<input type="checkbox"/> MINI-14	<input type="checkbox"/> 37 MM		<input type="checkbox"/> OC
	<input type="checkbox"/> 9 MM	<input type="checkbox"/> 40 MM		<input type="checkbox"/> CN
	<input type="checkbox"/> 38 CAL	<input type="checkbox"/> LR		<input type="checkbox"/> CS
	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> 9 MULT		<input type="checkbox"/> OTHER:
		<input type="checkbox"/> HFWRNS		
		<input type="checkbox"/> BATON		<input checked="" type="checkbox"/> N/A
FORCE OBSERVED BY YOU				
<input type="checkbox"/> WEAPON <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input checked="" type="checkbox"/> NONE				

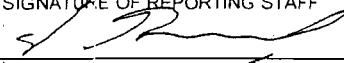
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION		BIO HAZARD	PPE
	PHOTOGRAPHS		SECURITY SQUAD CASE FILE ROOM			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> N/A		<input type="checkbox"/> N/A		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	SCIF 3301 / 3067 COMPLETED	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> BODILY <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

NARRATIVE:

On Thursday, March 01, 2007 at approximately 2230 hours, I was contacted at my residence and informed an incident had occurred and to report to the institution.

Upon arriving at the Institution I proceeded to Facility B, Unit 7, and at approximately 2250 hours, secured cell 227 with a Security Squad Crime Scene Lock. I conducted a visual survey of the cell, noting blood on the floor adjacent to the lower bunk. At approximately 2300 hours I proceeded to the Correctional Treatment Center and photographed inmate JOHNSON T-43903 for identification and evidentiary purposes. I photographed JOHNSON's face and head noting a large amount of swelling around his eyes, lips and nose. I proceeded to Facility B, Hobby Shop area where inmate TATUM E-20208 was secured in a holding cell. TATUM was uncooperative and refused to exit the holding cell for identification and evidentiary photographs. Due to TATUM'S potentially assaultive behavior no photographs were taken. At approximately 2330 hrs I returned to the Security Squad Complex.

 CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF 	TITLE C/O	BADGE # 31532	DATE 3-1-07
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) 	DATE RECEIVED 3/1/07	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
			DATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C1 – SUPPLEMENT
 CDCR 837-C1 (Rev. 07/05)

PAGE	2	OF	2	INCIDENT LOG NUMBER
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PBP-B07-07-03-0091

NAME: LAST BEARD	FIRST DONALD	MI R
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TYPE OF INFORMATION

CONTINUATION OF REPORT ADDITIONAL INFORMATION CLARIFICATION REQUEST

NARRATIVE

The photographs, once printed will be retained in the Security Squad case file room.

Lieutenant C. Uptergrove was on duty and informed of my involvement in this incident.

PELICAN BAY
A.S.U.

CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

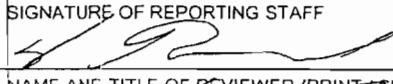
SIGNATURE OF REPORTING STAFF 	TITLE C/O	BADGE # 31532	DATE 3-1-07
NAME AND TITLE OF REVIEWER (PRINT/SIGNATURE) 	DATE RECEIVED 3/1/07	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input type="checkbox"/> NO

EXHIBIT E

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FILED
MAR 27 2008
SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTESUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF DEL NORTE

IN RE:) CASE NO.: HCPB08-5043
IRVIN TATUM,)
E-20208,) ORDER DENYING PETITION FOR WRIT
Petitioner,) OF HABEAS CORPUS
On Habeas Corpus.)

Petitioner is an inmate at Pelican Bay State Prison serving a life term for first-degree murder among other offenses. His petition challenges a finding of guilty in a disciplinary proceeding for attempted murder of his cellmate on March 1, 2007. Petitioner claims there was no evidence of intent to kill and that he was deprived of due process because he alleges he was not provided copies of letters with incriminating statements that he wrote shortly after the incident. There is disputed evidence as to whether he was provided the letters before the hearing. However, it is undisputed that he received prior to the hearing the CDCR 837crime/incident report authored by Lt. Uptergrove that quoted at length from the two letters in issue. See Pet. Para. 6 and Ex. E. Every statement in those letters quoted by the Senior Hearing Officer in his decision was set forth in the Uptergrove report supplied to Petitioner well before the hearing. See SHO decision, Ex. F to petition.

1 Even if Petitioner was not given copies of the letters, which is disputed by Sgt.
2 Stewart, Petitioner was provided the relevant quotes and he has not shown any
3 actual prejudice was suffered.

4 The Court notes Petitioner claimed he was unable to provide copies of the
5 letters in question with his administrative appeal (dated September 11, 2007)
6 preceding this petition, because he had not been given them (See Exhibit I to
7 petition). But he did file copies of the letters with the Court four days earlier on
8 September 7, 2007, with another writ petition challenging a conviction for threats to
9 correctional officers alleged to have been made in those same letters. See Ex B to
10 petition in Del Norte Superior Court Case No. HCPB07-5157. Petitioner repeatedly
11 admitted writing the letters in that petition.

12 With regard to the hearing officer's decision the Court applies the "some
13 evidence" standard to review. See *In re Powell*, (1988) 45 Cal.3d 894, 904; *In re*
14 *Ramirez*, (2001) 94 Cal.App.4th 549, 563. Under the "some evidence" standard, the
15 hearing officer's decision will be upheld as long as there is "some basis" in fact for
16 the decision. *Powell, supra*, at 904; *Ramirez, supra*, at 563. The record shows that
17 Petitioner's cellmate was badly beaten and Petitioner made admissions that he
18 knocked his the victim out, then choked him and stomped his head into the floor
19 while entertaining thoughts of killing him. The hearing officer's finding that
20 Petitioner was guilty of attempted murder is supported by some evidence in the
21 record. Accordingly, the Petition for writ of habeas corpus is denied.

22 DATED: MAR 27 2006

COPY

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WILLIAM H. FOLLETT
26 Judge of the Superior Court
27
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COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

In re IRVIN TATUM,
on Habeas Corpus.

A121232

(Del Norte County
Super. Ct. No. HCPB08-5043)

BY THE COURT:

The petition for writ of habeas corpus is denied.

Court of Appeal, First Appellate District	
FILED	
APR 24 2008	
Diana Herben, Clerk	
by _____	Deputy Clerk

(Reardon, Acting P.J., Sepulveda, J., and Rivera, J., joined in the decision.)

APR 24 2008
REARDON, ACTING P.J.
Date: _____ P.J.

S163584

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re IRVIN T. TATUM on Habeas Corpus

The petition for writ of habeas corpus is denied.

**SUPREME COURT
FILED**

JUN 11 2008

Frederick K. Ohlrich Clerk

Deputy

GEORGE

Chief Justice

EXHIBIT F

STATE OF CALIFORNIA

MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE

DEPARTMENT OF CORRECTIONS

NAME OF INSTITUTION PBSF	FACILITY/UNIT B-7	REASON FOR REPORT (circle) USE OF FORCE	INJURY UNUSUAL OCCURRENCE	ON THE JOB INJURY PRE AD/SEG ADMISSION	DATE 3/1/07
THIS SECTION FOR INMATE ONLY	NAME LAST JOHNSON	FIRST E.	CDC NUMBER T-43903	HOUSING LOC. B7-227	NEW HOUSING LOC.
THIS SECTION FOR STAFF ONLY	NAME LAST	FIRST	BADGE #	RANK/CLASS	ASSIGNMENT/RDOs
THIS SECTION FOR VISITOR ONLY	NAME LAST	FIRST	MIDDLE	DOB	OCCUPATION
HOME ADDRESS		CITY	STATE	ZIP	HOME PHONE
B-7 227					
PLACE OF OCCURRENCE APPROX 2200	DATE/TIME OF OCCURRENCE 3/1/07		NAME OF WITNESS(ES)		
TIME NOTIFIED ALARM - RADIOCALL 2200	TIME SEEN 22:05	ESCORTED BY CUSTODY	MODE OF ARRIVAL (circle) AMBULATORY	LITTER ON SITE	WHEELCHAIR
AGE 29	RACE M	SEX M			
BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE "NOTHING HAPPENED - I FELL ON THE SINK - I HURT MY EYE" STATES WAS STANDING ON THE FLOOR WHEN HE FELL. STATES HAS SEIZURE HISTORY - BUT NOT ON ANY SEIZURE MEDS - LAST SEIZURE "2-3 MINS AGO" - NO SEIZURE TONIGHT DENIES ALTERCATION WITH CELLAR. STATES (R) ANKLE PREVIOUSLY					
INJURIES FOUND? (YES/NO)	INJURED - SPORTS.				
Abrasion/Scratch 1					
Active Bleeding 2					
Broken Bone 3					
Bruise/Discolored Area 4					
Burn 5					
Dislocation 6					
Dried Blood 7					
Fresh Tattoo 8					
Cut/Laceration/Slash 9					
O.C. Spray Area 10					
Pain 11					
Protrusion 12					
Puncture 13					
Reddened Area 14					
Skin Flap 15					
Swollen Area 16					
Other 17					
O.C. SPRAY EXPOSURE? YES / NO					
DECONTAMINATED? YES / NO					
Self-decontamination instructions given? YES / NO					
Refused decontamination? YES / NO					
Q 15 min. checks					
Staff issued exposure packet? YES / NO					

RN NOTIFIED/TIME **22:05** PHYSICIAN NOTIFIED/TIME
ON SCENE
E. HASSMAN, RN

TIME/DISPOSITION
TO B-CLINIC INITIAL EVAL BY RN
→ WHEEL CHAIR TO VAN TO
CTC ER FOR FURTHER EVAL + TX.
2230

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)
L. FOLSOM, MTA

BADGE #
40006 RDOs
VALERIE

(Medical data is to be included in progress note or emergency care record filed in UHR)

EXHIBIT G

State of California

Memorandum

Date : September 6, 2007

AMENDED DA ACCEPTED

To : M. D. Yax
Associate Warden
Central Services

From : Department of Corrections and Rehabilitation
Pelican Bay State Prison, P.O. Box 7000, Crescent City, CA 95532-7000

Subject : PBSP INCIDENT #PBP-B07-07-0091

On March 7, 2007, inmate **TATUM, E-20208**, committed the following violation of the California Penal Code Section:

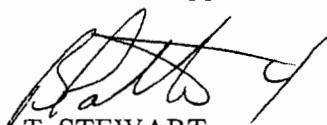
664/187 Attempted Murder

On April 3, 2007, the case was presented to the Del Norte County District Attorney's Office for possible prosecution.

On September 6, 2007, the Del Norte County District Attorney's Office notified Pelican Bay State Prison that their office issued a complaint charging the above named inmate with the following violation of the Penal Code Section:

COUNT I 243(d) Battery With Serious Bodily Injury

You will be apprised of the outcome of this case.



T. STEWART
Correctional Sergeant
Court Liaison Office

cc: Facility Captain
Facility S&E
Records
Inmate
CLO File

**PELICAN BAY
A.S.U.**

Memorandum

Date : March 3, 2008

DA DISMISS
(AND DETAINER REMOVAL)

To : M. D. Yax
Associate Warden
Central Services

From : Department of Corrections and Rehabilitation
Pelican Bay State Prison, P.O. Box 7000, Crescent City, CA 95532-7000

Subject : **PBSP INCIDENT #PBP-B07-07-03-0091, CRPB97-5152**

On March 7, 2007, inmate **TATUM, E-20208**, committed the following violation of the California Penal Code Section:

664/187 Attempted Murder

On April 3, 2007, the case was presented to the Del Norte District Attorney's Office for possible prosecution.

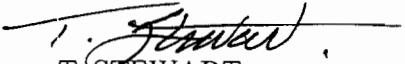
On September 6, 2007, the Del Norte County District Attorney's Office notified Pelican Bay State Prison that their office issued a complaint charging the above named inmate with the following violation of the Penal Code Section:

COUNT I 243(d) Battery With Serious Bodily Injury

On February 29, 2008, the District Attorney's Office notified Pelican Bay State Prison that on February 28, 2008, the case was **dismissed by the court with prejudice**, and the above named inmate will not be held to answer to the above charges.

The Court Liaison Office is no longer investigating the above named inmate. Please release the Detainer placed by this office. Any pending disciplinary action should be completed and a closure report prepared.

This closes our interest in this case. If you have any questions, please call my office at extension 9081 or 5526.



T. STEWART

Correctional Sergeant
Court Liaison Office

cc: Facility Captain
Facility S&E
Records
Security Squad
Inmate
OTC Desk
CLO File

PROOF OF SERVICE BY MAIL

(C.C.P. section 101a #2015.5, 20 U.S.C section 1746)

I, IRVIN TATUM, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over eighteen (18) years of age and am a party to the below entitled action.

My Address is: P.O. Box 7500; Crescent City, CA 95531.

On the 29 day of July, in the year of 20 08, I served the following documents: (set forth the exact title of documents served)

Petition For Writ of Habeas Corpus

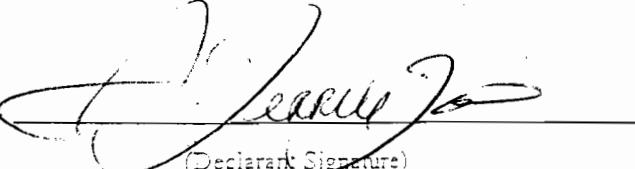
on the party(s) listed below by placing a true copy(s) of said document, enclosed in a sealed envelope(s) with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, CA 95531 and addressed as follows:

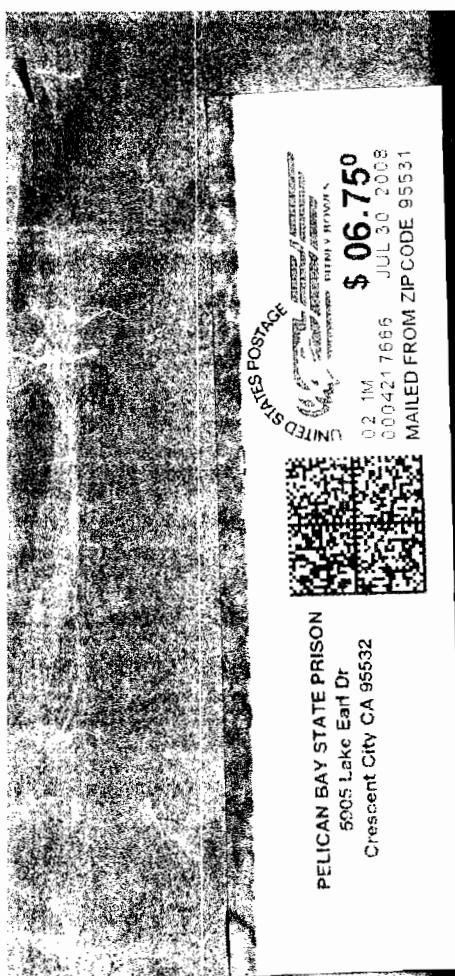
U.S. District Court
Northern Dist. of Calif.
450 Golden Gate Ave
SAN FRANCISCO, CA
94107

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 29 day of July, 20 08.

Signed


(Declarant Signature)



SHU #C8-188
PO Box 7500
Crescent City CA 95531

U.S. District Court
Northern District of California
Ninth Circuit
450 Golden Gate
SAN FRANCISCO

Franklin National Mail